

## STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. T-08/09-443  
 )  
 Appeal of )

# INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Economic Services Division, reducing the amount of his Food Stamps benefits (now called ("Three Squares")). The issue is whether the Department correctly considered the petitioner's shelter expenses in determining the amount of his net income. The following facts are not in dispute.

## FINDINGS OF FACT

1. The petitioner is a single man whose sole income is SSI. Prior to August 2009 the petitioner received \$200 a month in Food Stamps, which is the maximum payable to a single-person household. Part of this calculation was the fact that the petitioner was residing in a motel room that cost \$250 a week.<sup>1</sup>

<sup>1</sup> It is not clear how, or if, the petitioner was able to pay this amount on his limited income.

2. At a periodic review of his eligibility in August 2009 the petitioner reported to the Department that he had been evicted from the motel and was living in his car.

3. The Department determined that the petitioner was no longer incurring "shelter costs" for rent. However, the Department allowed the petitioner a full standard deduction for "fuel and utilities" based on the petitioner's representation that he would have to use gasoline to run his car to provide heat.

4. The result of these adjustments was a reduction in the petitioner's Food Stamps to \$161, effective September 1, 2009.

ORDER

The Department's decision is affirmed.

REASONS

The Food Stamp program allows a deduction for housing and utility expenses to the extent that they are in excess of 50% of the recipient's net income (after certain other expenses are deducted). FSM 273.9d (5)(i) and P-2590A. Because the petitioner had such excessive housing costs before August, he received the maximum allowable shelter

deduction. There is no dispute that when he was evicted and began living in his car he no longer had this expense.

However, the Department allowed the petitioner the full "standard fuel and utility allowance" based on his representation that he had to run his car engine for heat. FSM 273.9d(6), P-2590A(5). There is no dispute that this figure is in accordance with these regulations.

Thus, it must be concluded that the petitioner was awarded all of the deductions to which he was entitled for his shelter expenses in the Food Stamp program. Inasmuch as the Department's decision in this matter was in accord with the pertinent regulations the Board is bound to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule 1000.4D.

# # #